
Health Care for Pregnant Inmates

904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish prenatal and postpartum health care services for incarcerated persons who are pregnant. Services may include assistance recovering from the effects of potentially unhealthy lifestyles, which could include tobacco use, alcohol and drug abuse or addiction, and a lack of previous adequate medical care. Because of unhealthy lifestyle choices prior to incarceration, many incarcerated person pregnancies are classified as high-risk. This policy is intended to protect the health of the pregnant person and the fetus.

904.2 POLICY

It is the policy of this office that a qualified health care professional should provide comprehensive prenatal and postpartum care for all pregnant persons during their incarceration.

All pregnant and postpartum incarcerated persons shall receive appropriate timely, culturally responsive, and medically accurate and comprehensive care, evaluation, and treatment of existing or newly diagnosed chronic conditions, including mental health disorders and infectious diseases (Penal Code § 4023.8).

904.3 PREGNANCY TESTING

A person incarcerated in a county jail who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination or at any time during incarceration shall be offered a pregnancy test upon intake or by request, within seventy-two hours of arrival at the jail. Pregnancy tests shall be voluntary and not mandatory, and may only be administered by medical or nursing personnel. An incarcerated person who declines a pregnancy test shall be asked to sign an "Informed Refusal of Pregnancy Test" form that shall become part of their medical file. (Penal Code § 4023.8).

Pregnancy test must be offered to victims of sex abuse without cost and without requiring the victim to cooperate in any investigation, per the Prison Rape Elimination Act (28 C.F.R. § 115.83).].

904.4 CHOICE OF PROVIDER

Any incarcerated person in any local detention facility shall have the right to summon and receive the services of any physician, nurse practitioner, certified nurse midwife, or physician assistant of their choice in order to determine whether they are pregnant. (Penal Code § 4023.6). If found to be pregnant, to determine the extent of services needed and receive such services from their provider of choice, at their own cost, as is required by California law. (Pen. Code, § 4023.6.)

904.5 BIRTH CONTROL

Inmates confined within this facility shall, upon request, be allowed to continue to use materials necessary for (1) personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the inmate, and (2) birth

Shasta County Sheriff's Office

Shasta County SO Custody Manual

Health Care for Pregnant Inmates

control measures as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant. (Pen. Code, § 4023.5.)

Inmates confined within this facility shall be furnished by the county with information and education regarding the availability of family planning services. (Pen. Code, § 4023.5.)

Family planning services shall be offered to each and every inmate at least 60 days prior to a scheduled release date. Upon request, any inmate shall be furnished by the county with the services of a licensed physician or they shall be furnished by the county or by any other agency which contracts with the county with services necessary to meet their family planning needs at the time of their release. (Pen. Code, § 4023.5.)

Victims of sexual assault shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis when medically appropriate, free of cost and without requiring the victim to cooperate with any investigation. (28 C.F.R. § 115.82.)

904.6 RESTRAINTS

Incarcerated persons who are known to be pregnant or who are in labor shall not be placed in restraints except as provided in the Use of Restraints Policy and other policies related to medical treatment and transportation outside the secure facility.

904.6.1 REQUIRED PROCEDURES

The health authority shall, in cooperation with the Captain, develop procedures in conformance with Penal Code § 3407 for the application and removal of restraints on pregnant incarcerated persons. The procedures shall be reviewed and updated at least every two years (15 CCR 1206).

904.7 ABORTIONS

An incarcerated person who chooses to have an abortion shall be given access to abortion services and be requested to sign a statement acknowledging that the person has been provided the opportunity for related counseling and chooses to have an abortion. Any financial obligations for elective abortions will be handled consistent with state law as provided in Penal Code § 4011.1 and 15 CCR 1200. The jail shall provide necessary transportation and supervision for such services. Staff members who object to facilitating an incarcerated person's elective abortion (including arrangements, transportation, and security) should not be required to perform such duties.

904.7.1 REQUIRED POSTED NOTICE

The rights provided for pregnant incarcerated persons by Penal Code § 4023.6, Penal Code § 4023.8, and Penal Code § 4028 shall be posted in at least one conspicuous place that all incarcerated persons can access.

904.8 INFANT AND TODDLER BREAST FEEDING PROGRAM

Any inmate who is incarcerated that is either breast feeding or actively lactating will be referred to Wellpath personnel should the inmate request to continue expressing breast milk for an infant

Shasta County Sheriff's Office

Shasta County SO Custody Manual

Health Care for Pregnant Inmates

or toddler in accordance with California Penal Code Section 4002.5. Inmates are subject to drug screening for participation in this program.

Lactating inmates will have the option of using a manual breast pump, which is issued by Wellpath personnel. Family members may make arrangements with facility personnel to furnish an electric breast pump; however, those devices will be inspected by facility personnel prior to receiving Wellpath approval for use within the facility. Inmates will not be allowed to possess either a manual or electric breast pump in their cell or housing unit without watch commander approval.

Personnel should make every effort to ensure the inmate will be provided a private location to use the breast pump.

The breast milk will be pumped into clean breast milk bags or bottles and retrieved by medical staff who will label with the date and time of the pumping. After pumping, the pump will be cleaned with soap and hot water after each use by the facilities contracted medical provider.

The breast milk will be placed in a freezer in the Medical unit and it will be the responsibility of the infant's guardian to pick up the milk within 7 days. Milk not retrieved within 7 days will be discarded. The infant's guardian will be responsible for signing the Wellpath Commitment for Transfer of Breast milk form to acknowledge their responsibility to pick up the breast milk. Guardians will not be permitted inside the facility, but will be required to verify their identify. Identity can be verified with a valid governmental identification card, driver's license or passport. Any other forms of identification will be reviewed by the watch commander.

Wellpath personnel will provide the inmate with the necessary education to support them in the infant and toddler breast feeding program. This education may include but is not limited to the following:

- Washing their hands with soap and water prior to pumping
- Cleaning the pump with soap and hot water after each use
- Notify staff upon completion of pumping so milk can be collected and frozen
- The importance of maintaining a healthy diet

Wellpath personnel should also provide medically appropriate support and care related to the cessation of lactation and weaning

Wellpath personnel will have procedures in place for conditioning an inmate's participation in the program upon the inmate undergoing drug screening

904.9 ADVISEMENT AND COUNSELING

Incarcerated persons who are pregnant shall be advised of the provisions of this policy manual, the Penal Code, and the standards established by the Board of State and Community Corrections related to pregnant incarcerated persons (Penal Code § 3407(e); 15 CCR 1058.5).

A qualified health care professional or counselor shall provide comprehensive and unbiased counseling and information to pregnant incarcerated persons regarding their options, including but

Shasta County Sheriff's Office

Shasta County SO Custody Manual

Health Care for Pregnant Inmates

not limited to prenatal health care, adoption, and abortion. Staff shall not urge, force, or otherwise influence a pregnant incarcerated person's decision (15 CCR 1206(f); Penal Code § 4023.5; Penal Code § 4023.8(b)).

Pregnant incarcerated persons shall also be referred to a social worker regarding options for feeding, placement, and care of the child after birth, including the benefits of lactation (Penal Code § 4023.8(k)).

904.10 INCARCERATED PERSONS IN LABOR AND POSTPARTUM CARE

Pregnant incarcerated persons who are in labor or are presumed to be in labor shall be treated as an emergency and shall be transported in the least restrictive way possible to a hospital outside the jail (Penal Code § 4023.8(l)).

Pregnant incarcerated persons may have an approved support person present during labor, childbirth, and postpartum recovery while hospitalized (Penal Code § 4023.8(m)).

Incarcerated persons shall be given the maximum level of privacy possible during the labor and delivery process as provided in Penal Code § 4023.8(o).

Upon an incarcerated person's return to the jail, a physician, nurse practitioner, certified nurse midwife, or physician assistant shall provide a postpartum examination within one week from childbirth and as needed for up to 12 weeks postpartum, and shall determine whether the incarcerated person may be cleared for full duty or if medical restrictions are warranted. Postpartum incarcerated persons shall be given at least 12 weeks of recovery after childbirth before they are required to resume normal activity (Penal Code § 4023.8).

904.10.1 NOTICE OF SERVICES AFTER INCARCERATION

The Responsible Physician should ensure that eligible incarcerated persons who give birth after incarceration are provided notice of, access to, and written application for community-based programs serving pregnant, birthing, or lactating incarcerated persons (Penal Code § 4023.8(j)).

904.10.2 INCARCERATED PERSON ACCESS TO NEWBORN CARE

The Responsible Physician should ensure that an incarcerated person is provided access to newborn care that includes access to appropriate assessment, diagnosis, care, and treatment for infectious diseases that may be transmitted from the incarcerated person to the infant (Penal Code § 4023.8(f)).